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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,295	08/21/2003	Yasuhiro Mori	051319/0055	7197
<div>29619 7590 09/12/2007</div> <div>SCHULTE ROTH & ZABEL LLP</div> <div>ATTN: JOEL E. LUTZKER</div> <div>919 THIRD AVENUE</div> <div>NEW YORK, NY 10022</div>				
			<div>EXAMINER</div> <div>KOEHLER, CHRISTOPHER M</div>	
			<div>ART UNIT</div> <div>3726</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>09/12/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,295

Applicant(s)

MORI, YASUHIRO

Examiner

Christopher M. Koehler

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-10 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 3-5 in the reply filed on 6/7/2007 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: that the fixing state requires laser welding. See [0017] (disclosing in absence of sharp edge, laser welding fails due to a gap). Thus, the sharp edge is implied to be necessary to improve laser welding. See [0032] (protrusion allows for better weld). This matter should be included. Also, it is noted that the claims fail to expressly state the pre-loading is maintained during the fixing. See [0010]; Cf.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Noguchi et al. (US Patent No. 5,882,122).

Claim 3:

Noguchi teaches a method of manufacturing a pivot assembly comprising the steps of mating a first ball bearing (B, figure 6) to a lower end of a shaft (7);

mating a second ball bearing (A) to an upper end of the shaft (7); mating an outer circumference (2) of the second ball bearing to an upper end of a sleeve (27) having an inner wall part; mating an outer circumference (2) of the first ball bearing to a lower end of the sleeve (27) so that the inner wall part of the sleeve (27a) is disposed between the first ball bearing and the second ball bearing; mating a seal member (29) to the upper end of the shaft to cover an outer end face of the second ball bearing (covers the end of member 1 of the second ball bearing); imparting a preload pressure to the inner ring of the second ball bearing (1) by applying pressure on the sealing member (29) (col. 24, lines 3-10); and fixing the seal member to an outer circumference of the shaft (col. 24, lines 18-26).

Claim 4:

Noguchi teaches forming a sharp edge on an edge part of the seal member (the seal member 29 of figure 6 appears to have sharp edges formed at 90 degrees); causing the sharp edge to stick closely at a point to outer circumference of the shaft (7); and fixing the sharp edge at that point (col. 24, lines 18-26).

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi in view of McAllister et al. (US Patent No. 4,054,334).

Claim 5:

Noguchi teaches the invention cited above. However, the reference does not teach press blanking (or stamping) the seal members.

McAllister discloses stamping seals for bearings (figures 1 and 3).

It would have been obvious to one of ordinary skill in the art at the time of invention to have press blanked (or stamped) the pressure member (seal) of Noguchi, in light of the teaching of McAllister, in order to efficiently form seals.

Response to Arguments

8. Applicant's arguments with respect to claims 3-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571) 272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMK


DAVID P. BRYANT
SUPERVISORY PATENT EXAMINER
8/30/07